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C O N F I D E N T I A L BUENOS AIRES 001183

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [AR](#)
SUBJECT: ARGENTINA: POLITICAL REFORM BILL "TAILOR-MADE" FOR
NESTOR?

REF: A. BUENOS AIRES 1132 AND PREVIOUS
[B](#). BUENOS AIRES 750
[C](#). BUENOS AIRES 845

Classified By: DCM Tom Kelly for Reasons 1.4 (b) & (d).

[1](#)1. (C) Summary: Argentine President Cristina Fernandez de Kirchner (CFK) sent Congress her proposal for political reforms, requiring mandatory primaries for picking party nominees, establishing new thresholds for parties, limiting the use of private funds for campaigns, and restricting the publication of polls. Nearly three weeks after Congress approved the controversial audiovisual law, CFK is hoping to push forward her next legislative priority before the new Congress convenes in December. While most local observers agree that Argentine political parties need strengthening, the opposition claims (in our view, correctly) that this bill is designed to bolster CFK's husband and former President Nestor Kirchner's (NK) 2011 presidential chances. Although some commentators speculate that the government may be forced to accept modifications, the new media law showed how the Kirchners can still railroad new legislation without making any concessions through the current Congress, whose term ends next month. End Summary.

[1](#)2. (C) Nearly three weeks after Congress approved a controversial audiovisual law, President Cristina Fernandez de Kirchner (CFK) presented the government's political reform bill, pushing forward her next legislative priority before the new Congress convenes in December. As the government lacks opposition support as well as that of some of its allies for this legislation, CFK is aiming to secure the bill's approval at least from the Chamber of Deputies by late November, before inauguration of the more opposition-oriented Congress. CFK presented the bill on October 28 to a friendly crowd of cabinet officials, allied governors, and mayors. There were no opposition party representatives in attendance despite the fact that the political reform effort ostensibly emerged from short-lived multiparty reform talks in July (ref C). In the run-up to the bill's announcement, opposition leaders criticized the government for undue haste.

CFK Defends the Bill

[1](#)3. (SBU) CFK sought to dismiss speculations that the bill is designed to support her husband and former President Nestor Kirchner's (NK) 2011 presidential aspirations. She described the bill as the government's effort to move forward with a reform encouraged by all sectors of the political spectrum and rejected the notion that it is "tailor-made" for Nestor. CFK claimed she was basing the new requirement for primaries on the successful experiences of Argentina's Santa Fe province and neighboring Uruguay. In referring to opposition concerns that the reform will eliminate smaller parties, CFK asserted: "we believe in the political party system. It is not a question of size, but of conception, and functioning."

This reform will eliminate "fan clubs," she added.

Highlights of the Bill's Provisions

¶4. (C) While most local observers agree that Argentine political parties need strengthening, the opposition claims this bill is designed above all to improve NK's 2011 presidential chances. In addition, the bill appears to target key issues that NK probably perceives as contributing factors to his electoral defeat in Buenos Aires province in the June 2009 midterms (ref B). The bill makes changes in four key areas: party primaries, the quantity of parties, campaign finance, and polling. Not included in the bill are the opposition's proposals for an electronic ballot and a single ballot. Interior Minister Florencio Randazzo relayed during an October 29 press conference that although the Government is not considering a single ballot initiative, it would be the logical next step once the number of parties is reduced.

Mandatory Party Primaries

¶5. (SBU) The bill would require that Argentina's national and local parties hold simultaneous and open party primaries for candidates for the presidency and the national Congress. Each citizen can vote in one party primary, regardless of whether he or she is a party member. Those candidates that lose a party primary cannot participate in the general elections. Candidates without competitors within their own party must secure at least 3% (around 600,000 votes) of the national electoral vote cast in the primaries, a requirement that will particularly affect smaller parties. "La Nacion"

reported October 30 that the Government was considering negotiating with the center-left regarding lowering this 3% requirement to gain their support.

Restrictions on Parties

¶6. (SBU) The bill stipulates that, in order to field a presidential or congressional candidate in the national election, political parties should be recognized in at least five electoral districts (each of the 23 provinces and the Buenos Aires City) and demonstrate that they have more than one per 1000 party affiliates of the total electoral roll. The bill requires parties to have members (not just supporters) representing five per 1000 of the total electoral roll in each district.

Campaign Finance

¶7. (C) The campaign finance aspects of the bill appear to be targeted at NK's chief rival in the June 2009 midterms, multi-millionaire Peronist dissident and national deputy-elect Francisco de Narvaez. The bill gives the State the authority to distribute funds for political campaigns. It expressly prohibits using personal funds for radio and television campaigns, enabling the government to remove the license of a radio or television channel that broadcasts prohibited campaign ads. The draft law shortens the media campaign from 60 to 30 days while stipulating that radio and television campaign publicity can occur only 20 days before the primaries. In a concession to the opposition, the bill extends from one week to two weeks the current ban on state advertising immediately prior to the elections.

Limits on Pollsters

¶8. (SBU) The bill provides strong regulations on public opinion pollsters, an unexpected addition CFK did not highlight during her announcement. Among the stipulations, polling companies must enroll in a national registry to specify who has commissioned them and the fee. Polls must not be broadcast 15 days before the general elections, a

significant extension from the 48-to-72 hour blackout period required by many countries.

Opposition Remains Skeptical

¶9. (SBU) Opposition leaders from across the political spectrum questioned the motivations and timing of CFK's proposal. While the Radical (UCR), Civic Coalition (CC), and Socialist parties appeared open to the call for mandatory party primaries, the Peronist dissident sector strongly rejected it as an attempt by NK to eliminate competition and ensure his selection as the 2011 Peronist party candidate. Small parties expressed concerns that legislation would result in the disappearance of their parties. National deputies Francisco de Narvaez (Peronist dissident) and Oscar Aguad (Radical Party) assumed a broader perspective, arguing that the judicial system, not the Government, should address electoral issues. Both Socialist deputy Silvia Augsburger and CC leader Elisa Carrio questioned the bill's timing. Augsburger noted that political reform is not the most pressing issue, while Carrio, echoing those sentiments, said: "this is not a problem for Argentines today, when many children are dying every day."

¶10. (C) Opposition bloc leaders reportedly plan to meet in early November to advance their strategy to press the Government to address poverty legislation first before political reform. Nonetheless, CFK seized the initiative on the poverty debate October 29 by issuing a presidential decree designating a monthly stipend of 180 pesos per child (approximately USD 47) of unemployed or informally employed parents, benefitting up to five children per family.

Comment

¶11. (C) Argentina's political parties are notoriously weak, often the personal vehicles of caudillos who brook no internal dissent in how their parties pick candidates or choose positions. This legislative proposal may have some positive elements that could help Argentina move toward a two- or three- party system. But legislative proposals are interpreted in their political context, and mistrust of the Kirchners and their motives currently runs high. It is hard to construe the plan as anything other than an attempt by the

Kirchners to game the system to keep their 2011 presidential ambitions alive.

MARTINEZ